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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00787 JW
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME FROM
v.)	FEBRUARY 7, 2008 TO FEBRUARY 25,
)	2008 FROM THE SPEEDY TRIAL ACT
CARLOS CAGUIMBAL,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A),(B))
Defendant.)	
)	
)	

On January 24, 2008, the parties appeared for a hearing before the Honorable Howard R. Lloyd. At that time, defendant Caguimbal made his initial appearance on a judicial summons issued upon the indictment of defendant. Based upon the request of the parties, the Court set the matter for a status hearing on February 11, 2008, before Judge Ware. The parties are now requesting that the February 11, 2008 hearing be continued until February 25, 2008 to allow counsel for defendant reasonable time for effective preparation, and to allow the parties to explore the possibility of an early disposition.

The United States hereby submits this written request for an order finding that the time between February 11, 2008 and February 25, 2008, is excluded under the Speedy Trial Act, 18

1 U.S.C. § 3161, in that the ends of justice are served by taking such action and outweigh the best
2 interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to
3 grant such a continuance would unreasonably deny counsel for defendant the reasonable time
4 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
5 § 3161(h)(8)(B).

6
7 DATED: February 6, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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9 _____/s/_____
10 EUMI L. CHOI
Assistant United States Attorney

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12 _____/s/_____
MANUEL U. ARAUJO
Attorney for Defendant

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between February 11, 2008 and February 25, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

JAMES WARE
UNITED STATES DISTRICT JUDGE